HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 13409 OF 2007

Between:

Mohd. Khadeer

… Petitioner

and

The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad and others

…

Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 13409 OF 2007

ORAL ORDER:

The petitioner filed this writ petition seeking a writ of Mandamus directing the respondents 1 to 5 herein not to interfere with the civil matters and also not to stop construction work being carried on by the petitioner in respect of Plot No.127, Ward and Block No.18-8 in Sy.No.54 admeasuring 140 sq.yards, situated at Kandikal Village, Edi Bazar (known as Raja ka Bagh), Hyderabad.

When the matter has come up for admission on 28.6.2007, this court observed that as one Smt. Kulsum Bee, alleged sister of the 4th respondent, is making a claim over the property in question, it is just and proper to implead her. No steps are taken to implead her till today.

The 2nd respondent-Dy. Commissioner of Police, South Zone, filed a counter stating that, in fact, the petitioner made a petition on 22.5.2007 to the 1st respondent-the Commissioner of Police, Hyderabad, about the alleged interference by the

respondents 4 and 5 on the said property and pursuant to the said representation, an enquiry was conducted and a report dated 4.7.2007 was submitted, wherein it was found that the petitioner had a civil dispute with Smt. Kulsum Bee with regard to a vacant site and both the petitioner and Smt. Kulsum Bee filed O.S.Nos. 5018 and 5191 of 2006 respectively before the learned VIII Junior Civil Judge's Court, Hyderabad, claiming respective rights over the said property. It is also stated in the counter that Smt. Kulsum Bee approached the 5th respondent-Sub-Inspector of Police, Santosh Nagar Hyderbad, bringing to his notice about her obtaining interim injunction in O.S.No.5191 of 2006 in order to restrain the petitioner and others from interfering with the property in question. Hence, it is submitted that there is no interference by the police with the civil disputes between the petitioner and Smt. Kulsum Bee.

In view of the facts and circumstances of the case, it is apparent that the petitioner has suppressed several material particulars, which took place between the petitioner and Smt. Kulsum Bee. In the absence of impleadment of Smt. Kulsum Bee to the writ petition, who claims the property in question and obtained interim orders in O.S.No.5191 of 2006 and also in view of the denial of the police to the effect that they never interfered with the civil rights of the parties, this court is of the considered opinion that the writ petition cannot be entertained.

Accordingly, the writ petition is devoid of merits and is dismissed with costs.

V. ESWARAIAH, J

DATE: 24.7.2007

CVM